

10/108,447-21 NOV 2005

#4

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

02418.0913-00

U.S. APPLICATION NO.
(If known, see 37CFR1.5)

10/523,520

INTERNATIONAL APPLICATION NO.
PCT/EP03/08176INTERNATIONAL FILING DATE
July 24, 2003PRIORITY DATE CLAIMED
August 9, 2002**TITLE OF INVENTION****DAMPING DEVICE FOR A BALL GAMES RACKET****APPLICANT(S) FOR DO/EO/US****Herfried LAMMER and Jürgen WILKE**

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154 (d)(4).
6. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
7. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
8. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
9. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

10. Information Disclosure Statement under 37 CFR 1.97 and 1.98
11. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
12. A **FIRST** preliminary amendment.
13. A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. A Substitute specification.
15. A change of power of attorney and/or address letter.
16. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
17. A second copy of the published international application under 35 U.S.C. 154 (d)(4).
18. A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
19. Other items or information:
 - a. Copy of cover page of International Publication No. WO
 - b. Copy of Notification of Missing Requirements.
 - c. Response to Notification of Missing Requirements.

CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

EV 708 642 415 US

November 21, 2005

USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314-1450.



By: 
Rebecca M. Whitelock

U.S. APPLICATION NO. (If known, see 37CFK 1.5) 10/523,520	INTERNATIONAL APPLICATION NO. PCT/EP03/08176	ATTORNEY'S DOCKET NO. 02418.0913-00			
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY			
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1060.00					
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$900.00					
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO \$750.00					
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$720.00					
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4) \$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =					
\$0					
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).					
□ 20 □ 30 \$130.00					
CLAIMS	NUMBER OF CLAIMS AFTER PRELIM. AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID	EXTRA CLAIMS	RATE	
Total Claims	27	20	23	4	x \$18.00 \$0
Independent Claims	1	3	1	0	x \$84.00 \$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$280.00	\$0
TOTAL OF THE ABOVE CALCULATIONS =					\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.					\$0
SUBTOTAL =					\$130.00
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)).			□ 20 □ 30	\$0	
TOTAL FEES =					\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					\$0
TOTAL FEES ENCLOSED =					\$130.00
11/30/2005 GFREY1 00000108 060916 10523520 01 FC:16 17 130.00 DA					Amount to be refunded: \$
					charged: \$
a. <input type="checkbox"/>	A check in the amount of \$ _____ to cover the above fees is enclosed.				
b. <input checked="" type="checkbox"/>	Please charge my Deposit Account No. 06-0916 in the amount of \$ 130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0916. A duplicate copy of this sheet is enclosed.				
d. <input type="checkbox"/>	Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.				
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315					
 SIGNATURE Andrew B. Schwaab Reg. No. 38,611					
NAME/REGISTRATION NO.					
DATED: November 21, 2005					

Appln No. 10/523,520
Resp. to Missing Requirements filed November 21, 2005

PATENT
Customer No. 22,852
Attorney Docket No. 02418.0913-00

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By

Rebecca M. Whitelock

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Herfried LAMMER et al.

Application No.: 10/523,520

Filed: February 4, 2005

For: DAMPING DEVICE FOR A BALL
GAMES RACKET

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)
)
)
)
)
)

) Group Art Unit: 3711

) Examiner: Not Yet Assigned

) Confirmation No.: 1370

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 ("Notice") mailed September 19, 2005, Applicants submit a Declaration/Power of Attorney for filing in this application, the required fee of \$130.00, and a copy of the Notice.

Please associate the enclosed declaration with the application, grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 21, 2005

By: Andy Schwaab
Andrew B. Schwaab
Reg. No. 38,611



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/523,520	Herfried Lammer	02418-0913
INTERNATIONAL APPLICATION NO.		
PCT/EP03/08176		
I.A. FILING DATE	PRIORITY DATE	
07/24/2003	08/09/2002	

22852
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
 LLP
 901 NEW YORK AVENUE, NW
 WASHINGTON, DC 20001-4413

CONFIRMATION NO. 1370
 371 FORMALITIES LETTER



OC000000016998536

SEP 22 2005

Date Mailed: 09/19/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/04/2005
- English Translation of the IA filed on 02/04/2005
- Copy of the International Search Report filed on 02/04/2005
- Copy of IPE Report filed on 02/04/2005
- Copy of Annexes to the IPER filed on 02/04/2005
- Information Disclosure Statements filed on 02/04/2005
- Copy of references cited in ISR filed on 02/04/2005
- U.S. Basic National Fees filed on 02/04/2005
- Priority Documents filed on 02/04/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,520	PCT/EP03/08176	02418-0913

FORM PCT/DO/EO/905 (371 Formalities Notice)

#5
IAP10 Rec'd PCT/PTO 21 NOV 2005

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\$0					
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11/30/2005 MKAYPAGH 00000115 060916 10523520 TOTAL FEES ENCLOSED =					\$72.00
01 FC:1615 200.00 DA					Amount to be refunded: \$
					charged: \$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
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SEND ALL CORRESPONDENCE TO:					
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.					
1300 I Street, N.W.					
Washington, D.C. 20005-3315					
 SIGNATURE Andrew B. Schwaab Reg. No. 38,611					
NAME/REGISTRATION NO.					
DATED: November 21, 2005					